IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 124 OF 1998

SANTOSH SUBHASH KULKARNI

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Date: 2023.01.20 10:22:54 +0530

Shri Ram Kapoor & anr. ...Plaintiffs

Versus

M/s. Mahesh Associates & anr. ...Defendants

Mr. Durgaprasad Sabnis, aw/ Ms. Ankita Poddar, i/b Lex Firmus, for the Plaintiffs.
Mr. Vijendra Mishra, a/w Salman Haidur Khan, for Defendant no.1.

CORAM: N. J. JAMADAR, J.
DATED : 18th JANUARY, 2023

ORDER:-

1. Heard the learned Counsel for the parties.

2. The learned Counsel for the parties submit that the parties have amicably resolved the dispute and executed the Consent Terms.

3. The learned Counsel seeks leave to tender the Consent Terms.

Leave granted.

4. The learned Counsel for the plaintiffs invites the attention of the Court to an order dated 14th August, 2006 in Chamber Summons No.1571 of 2005, wherein it is recorded that the suit which was dismissed in default had since been restored.

However, the order of restoration of the suit is not available on record. To make the record correct, it is declared that the suit stood restored to file.

5. Mr. Ravi Kapoor, plaintiff No.2; the Constituted Attorney of plaintiff No.1, Mrs. Pooja Vinod Kalro, the Constituted Attorney of Mrs. Manju Lakhmichand Kukreja, the Proprietress of defendant No.1, are present before the court. They admit the contents of the Consent Terms and execution thereof. They submit that they have voluntarily executed Consent Terms and there is no coercion or duress. Plaintiff No.2 and the Constituted Attorney of defendant No.1 are identified by their respective Counsels. Copies of the Power of Attorneys are annexed to the Consent Terms.

6. The Consent Terms are thus taken on record and marked 'X'.

7. Upon being specifically inquired, the plaintiff No.2 and the Constituted Attorney of defendant No.1 submit that they are agreeable to the resolution of the dispute in accordance with the Consent Terms, and agree to abide by the same. It seems that the parties have decided to resolve all the issues and a comprehensive settlement has been arrived at between the parties.

8. In view of the aforesaid submissions and statements made before the Court and the Consent Terms, the suit stands decreed in accordance with the Consent Terms 'X'.

9. Consent Terms 'X' shall form part and parcel of the decree.

10. The undertakings given in the Consent Terms 'X' are accepted as undertakings to the Court.

11. The plaintiffs are entitled to refund of Court fees in accordance with the Rules.

12. The Court Receiver stands discharged without passing accounts.

[N. J. JAMADAR, J.]